

UPPER GWYNEDD TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-02

**AN ORDINANCE AMENDING THE CODE OF UPPER GWYNEDD TOWNSHIP  
AT CHAPTER 165 – “STREET EXCAVATIONS,” AT SECTION 31 –  
“CONSTRUCTION STANDARDS” TO ADD SUBSECTION I - “REPAIR OF  
ROADWAY AFTER UTILITY CONSTRUCTION OR EXCAVATION”**

**WHEREAS**, the Township of Upper Gwynedd is a duly organized Township of the first class, existing and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, pursuant to Section 56502 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56502, the Board of Commissioners is empowered to adopt resolutions and ordinances prescribing the manner in which powers of the Township shall be carried out; and

**WHEREAS**, the Board of Commissioners has determined that Chapter 165 – “Street Excavations,” should be amended at Section 31 – “Construction Standards,” to add Subsection I - “Repair of Roadway after utility construction or excavation,” in the best interests of the maintenance of peace, good government, health and welfare of the Township and its residents.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED THAT:**

- Section 1.** The Upper Gwynedd Township Code of Ordinances is hereby amended at Chapter 165 – “Street Excavations,” at Section 31 – “Construction Standards,” to add Subsection I – “Repair of Roadway after utility construction or excavation,” which shall read as set forth in Exhibit “A” hereto.
- Section 2.** **Severability.** In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.
- Section 3.** **Repealer.** All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.
- Section 4.** **Effective Date.** This Ordinance shall become effective five (5) days after its enactment.

ORDAINED and ENACTED this 10th day of June, 2024.

ATTEST:

BY:   
Sandra Brookley Zadell  
Township Manager

BOARD OF COMMISSIONERS  
UPPER GWYNEDD TOWNSHIP

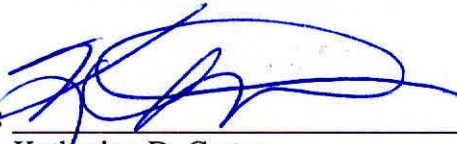
BY:   
Katherine D. Carter  
President, Board of Commissioners

Exhibit  
“A”

**Chapter 165 – Zoning**  
**Section 31 – Construction standards**

I. Repair of Roadway after utility construction or excavation.

(1) Where a trench associated with utility construction (i.e., water, sanitary sewer, electrical, gas, telecommunications, cable television, etc.) is cut in travel lane(s) of roadway, from the curb to midline of the road shall receive a one-and-one-half-inch mill and overlay of wearing course.

(2) In the following instances, the full width of the roadway (all travel lanes) shall be milled and overlaid:

(a) Trench restoration for any roadway which has been resurfaced within five years shall include a one-and-one-half-inch mill and overlay for full width of the roadway.

(b) Where the width of the roadway is less than 25 feet, the full width of the roadway shall receive a one-and-one-half-inch mill and overlay.

(c) In locations where there is more than one lateral or service trench within 100 feet of the roadway, the roadway shall receive a full-width one-and-one-half-inch mill and overlay of the wearing course.

(2) Mill and overlay of the travel lane or roadway as required herein shall extend a minimum of 10 feet beyond the trench excavation at both ends of the excavation.

(3) The mill and overlay requirements specified by this section do not apply to excavations associated with curb and/or driveway apron construction/replacement.